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ABSTRACT

This booklet summarizes minimum standards and requirements of public elementary and secondary schools in the state of New York as of November 1978. The requirements presented are digests of state law, rules of the board of regents, and regulations of the state commissioner of education. Requirements are organized topically within major sections dealing with instructional programs and noninstructional programs respectively. Requirements relevant to instructional programs include those dealing with attendance, length of school day, teacher load in high school, subjects of instruction, examinations, diplomas, handicapped children, libraries, continuing education, licensed private schools and registered business schools, disaster planning and civil preparedness in schools, fire drills, suspension of a minor, language of instruction, and released time for religious education. Noninstructional program requirements are presented for educational facilities, transportation, school district organization, health services, registration of secondary schools, and required compensatory programs. (Author/LD)

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MINIMUM REQUIREMENTS

for Schools in New York State

1978 Edition

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November 1978

To Superintendents:

This is a new edition of a publication last revised in 1976. It has been brought up to date in order that school officials may know what is required by the laws of the State of New York, Rules of the Board of Regents, and Regulations of the Commissioner of Education. The materials contained herein are digests. In general, they are not the official wording of these requirements.

For complete statements of statutory requirements, Regents Rules, and Commissioner's Regulations, it is suggested that you consult the "Education Law," "Rules of the Board of Regents of The University of the State of New York," and "Regulations of the Commissioner of Education of the State of New York," respectively.

On occasion confusion has apparently arisen over what is required by the State as minimum educational programs and standards and what is recommended by the Department as desirable practice. This digest of minimum (State) requirements is intended to help clear up any such confusion. The recommended programs and standards can be found in the Department's various bulletins, reports, syllabuses, etc. Recommended practice in a given situation may also be obtained from the many competent consultants and other members of the Department staff whose function it is to assist and encourage all school districts and educational institutions to achieve effectively and economically the highest quality of education possible.

Appendix A is included to assist public school officials in judging the equivalency of nonpublic school programs in their districts and to provide nonpublic school authorities with a clear picture of what is expected.

In summarizing the laws, rules and regulations as enumerated herein, it is not suggested that simply adhering to them would constitute a satisfactory educational program. All districts exceed these absolute requirements in varying degrees. It is the task of leadership in each school district to devise the educational program which meets the needs of that community.

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MINIMUM REQUIREMENTS FOR SCHOOLS

A. INSTRUCTIONAL PROGRAM

1. Attendance

a) Each minor from 6 to 16 years of age who is physically and mentally able must attend upon full-time instruction in a public, private or parochial school. (Ed. L., 3205) * Minors attending a nonpublic school must receive substantially equivalent instruction to that offered in the public schools in the district of residence (Ed. L., 3204, subd. 2). A minor who is a graduate of a four-year high school course of study is not required to attend school. (Ed. L., 3206, subd. 2)

b) In city school districts and independent superintendencies, boards of education have the power to require minors from 16 to 17 years of age to attend upon full-time day instruction if such minors are not employed. (Ed. L., 3205, subd. 3)

c) Resident pupils over 5 and under 21 years of age are entitled to attend school in the school district in which they reside without paying tuition, providing they have not received a high school diploma. (Ed. L., 3202) In addition, certain other children who reside within the limits of a school district may be eligible to attend the public schools of that district without payment of tuition depending upon the circumstances of each individual case. No child may be admitted or received into any school, whether it be public, private, or parochial, unless such child has been immunized against poliomyelitis, rubella, diphtheria, mumps, and measles. (Public Health Law, 2164)

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*In citations, Ed. L. refers to Education Law, RR to Regents Rules and CR to Commissioner's Regulations.

d) A child who attains the age of 5 by December 1 of the current school year must be admitted to the kindergarten if a district operates such a program (Decision of Counsel).

e) Records of attendance are required.

The principal of a school, or other persons in charge of the instruction upon which a minor attends, shall cause the record of his attendance to be kept and produced and all appropriate inquiries in relation thereto answered. He shall give prompt notification in writing to the school authorities of the city or district of the discharge or transfer of any such minor from attendance upon instruction, stating the date of the discharge or transfer of any such minor from attendance upon instruction, stating the date of the discharge, its cause, the name of the minor, his date of birth, his place of residence prior to and following discharge, if such place of residence be known, and the name of the person in parental relation to the minor. (Ed. L., 3211, 4)

Employment certification requirements are set forth for the employment of minors which include age requirements, types of employment permitted or prohibited, duties of employers, and other special provisions. (Ed. L., 3215-31)

2. Length of School Year and School Day

a) Elementary and secondary schools shall be in session for not less than 180 days each year. A deficiency not exceeding three days during any school year due to Superintendent's Conference Days shall be excused by the Commissioner. One of the three Superintendent's Conference Days may be scheduled as two half-day conferences, to be scheduled one during each semester. The Commissioner may disregard a deficiency of the 180-day requirement of up to five days on account of

extraordinary adverse weather conditions, fuel shortages, or other emergency conditions of the Commissioner determines the district cannot make up such instruction during the balance of the school year (Ed. L., 3604).

b) The minimum length of the school day which is required to offer the State programs of studies is as follows (exclusive of time allowed for lunch): (CR 175.5)

A.	Kindergarten	
	1) full-day session	5 hours
	2) half-day session	2 1/2 hours
B.	Grades 1 through 6	5 hours
C.	Grades 7 through 12	5 1/2 hours

School districts may schedule as many as four shortened school day sessions each semester for parent-teacher or staff conferences, provided that during each week the shortened day sessions occur the total number of hours of instruction for the week do not fall below 25 for the elementary and 27 1/2 for the secondary level.

Where a school is on double or overlapping sessions, the school day shall be no less than 4 1/2 hours in the secondary grades and 4 hours in the elementary grades. Written approval of the Commissioner must be obtained in writing prior to scheduling such sessions for any school year.

Certain exceptions may be granted by the Commissioner.

c) A summer elementary school must provide a program of at least 15 but not more than 30 days of instruction with class periods of at least 45 minutes. (CR 110.1)

A summer secondary school must comprise the summer session of a registered secondary school; and provide a secondary school program

with class periods of at least 90 minutes. (CR 110.2) A summer school session that provides 30 sessions of 90 minutes instruction each shall be considered the equivalent of one semester of work for each subject. (CR 110.4)

3. Teacher Load in High School

The number of daily periods of classroom instruction for a teacher should not exceed five. A school requiring of any teacher more than six teaching periods a day, or a daily teaching load of more than 150 pupils, should be able to justify the deviation from this policy. (CR 100.2e)

4. Subjects of Instruction - Required in Statute

No pupil shall be refused admission to or excluded from any of the courses of instruction of a school because of his or her sex. (Ed. L., 3201a)

a) Instruction is required by law in the first eight grades in the following subjects: (Ed. L., 3204)

arithmetic (mathematics)
reading
spelling
writing
English language
geography
United States history
civics
hygiene (health education)
physical education
New York State history
science
(music and visual arts are also required by CR 100.1e)

b) Beyond the first eight years, instruction is required (Ed.L., 3204) in:

English
civics
hygiene (health education)
physical education
American history
(Courses in Communism, its methods and its destructive effects may be provided.)

c) In addition, the law (Ed. L., 801-810) requires that provision be made for instruction in certain special subjects, including:

patriotism and citizenship; history, significance, meaning and effect of Constitution of the United States and amendments thereto; Declaration of Independence; Constitution of New York State and amendments; 801
the flag, pledge of allegiance, certain holidays; 802
physical education and kindred subjects; 803
alcohol, drug and tobacco abuse; 804
highway safety and traffic regulation; bicycle safety; school safety patrol; 806
fire drills; 807
fire prevention; 808
humane treatment of animals and birds; 809
Conservation day; 810

d) School districts shall provide secondary students and adults access to programs of occupational education through their boards of education or shared services as provided by boards of cooperative educational services. Authority to employ personnel, establish approved courses, acquire facilities and equipment, or arrange for such through shared services is provided (Ed. L. 4602). Should such courses not be available pupils may select any other school for the available courses and the sending school district shall pay nonresident tuition (Ed. L. 2045). Advisory councils with described duties and functions need to be appointed for occupational education programs (Ed. L. 4601).

Subjects of Instruction - As required by Regents Rules and Commissioner's Regulations

a) High School (CR 100.1)

An approved high school four-year course of study shall include the following units of work or their equivalent:

English	4 units
social studies (including 1 year of American history)	3 units
mathematics	1 unit
science	1 unit
health education	1/2 unit
physical education	

These subjects shall constitute the constants or required subjects and shall be offered in accordance with the State syllabuses. Each pupil shall also complete a three-unit sequence in one of the following fields; science, mathematics, foreign language, music, visual arts, business subjects, home economics, industrial arts, or vocational subjects. Additional free electives shall be studied to make a total of 16 units as the basic requirements for a local diploma for the four-year high school. The completion of a total of 18 units is required for a State Regents Diploma. The 18 units shall include the passing of Regents examinations in certain specified subjects where Regents examinations are given. The passing of a Regents examination in 9th year mathematics is not required for a sequence in mathematics. (The writing of the 9th year Regents mathematics examination is optional.) (CR 103)

Credit for physical education is not included in the above State requirements. School districts, however, may award local diploma credit for the required program, and may also submit plans for elective units in physical education for additional credit. (CR 135.4)

A unit is a year's work in a subject requiring four or five periods a week of 40 minutes of prepared classroom work (CR 100.2a). Each class in each week of the school year is required to have a minimum of four recitations in English which shall include the study of language and literature and practice in composition. (RR 3.34-a-2)

A guidance and counseling service shall be provided, including the services of personnel certified for guidance service.

b) Junior High School

Grades 7 to 9 shall include:

English	health education
social studies	visual arts
science	music
mathematics	practical arts
	physical education

There shall be partial or complete departmental organization and a definite and effective plan of pupil guidance, including the services of personnel certified for guidance service. (CR 100.1d) The practical arts requirement may be satisfied by either home economics or industrial arts, or a combination of both, or by an approved alternative that meets the intent of the requirement. There shall be no sex discrimination in scheduling students in any program except for classes in sex education and for certain contact sports in physical education. (Regulations of U.S. Department of H.E.W. implementing Title IX of the Elementary and Secondary Education Act of 1965 as amended.)

c) Physical Education

All public and nonpublic pupils in grades K-6 shall participate in the physical education program on a daily basis. The minimum time devoted to such programs shall be at least 120 minutes in each calendar week, exclusive of any time that may be required for dressing and showering; or as provided in an equivalent program approved by the Commissioner of Education. (CR 135.4)

All public and nonpublic secondary pupils shall have the opportunity for daily physical education taught by a certified physical education teacher, and all such pupils shall participate in the physical education program a minimum of three periods per calendar week during one semester of each school year and two periods during the other semester; or as provided in an equivalent program approved by the Commissioner of Education (CR 135.4).

Other alternative ways of meeting the time requirement in physical education for secondary pupils and other requirements pertaining to plans, curriculum, attendance, personnel, facilities, administrative procedures and extraclass athletic activities are set forth in Section 135.4 of the Regulations of the Commissioner of Education.

The following regulation governs male and female pupils on interschool athletic teams:

(1) Equal opportunity to participate in interschool competition, either on separate teams or in mixed competition on the same team, shall be provided to male and female students, except as hereafter provided. In schools that do not provide separate competition for male and female students in a specific sport, no student shall be excluded from such competition solely by reason of sex, except in the sports set forth in subclause (2) of this clause or in accordance with the provisions of subclause (3) of this clause.

(2) There shall be no mixed competition in the following sports: basketball, boxing, football, ice hockey, rugby and wrestling.

(3) In the sports of baseball, field hockey, lacrosse, soccer, softball, speedball, team handball and power volleyball where the height of the net is set at less than eight feet, the fitness of a given student to participate in mixed competition shall be determined by a review panel consisting of the school physician, a physical education teacher designated by the principal of the school, and if requested by the parents of the pupil, a physician selected by such parents. Such

panel shall make its determination by majority vote of the members, and in accordance with standards and criteria issued by the department.

(4) In schools that provide separate competition for male and female pupils in interschool athletic competition in a specific sport, the principal or the chief executive officer of the school may permit a female or females to participate on a male team in sports other than those set forth in subclause (2) of this clause. However, where separate competition is provided, males may not participate on teams organized for females.

d) Occupational Education

A program of occupational education may be provided by a board of education for all age groups as preparation at all levels and for all kinds of employment in nonprofessional occupations. Related and supporting educational activities include cooperative work experience, student occupational clubs, counseling, placement, exploration and orientation, remedial and enabling instruction. (CR 141.2) Approved occupational programs shall meet the needs, interests, and abilities of the persons enrolled and be directly related to entrance, continuance, or advancement in an occupation or field of occupations. (CR 141.3)

Diploma requirements for industrial arts education and nonvocational courses in agricultural education, business and office education, distributive education, and home economics education follow the same requirements as those ascribed to the academic subject areas. (CR 100) (CR 103)

e) Safety Education

Instruction in safety education, including highway and traffic safety, and bicycle safety, shall be given to all pupils in elementary and secondary grades. The program must provide the minimum equivalent of thirty periods of instruction in grades 1-9 and fifteen periods of instruction in grades 10-12. (CR 107.1)

f) Health Education

Health education is instruction in understandings, attitudes and behavior in regard to the several dimensions of health. This instruction relates to alcohol, tobacco and other drugs, safety, mental health, nutrition, dental health, sensory perception, disease prevention and control, environmental and public health, consumer health, first aid, and other health-related areas. (CR 135.1e)

It shall be the duty of the trustees and boards of education to provide a satisfactory program in health education in accordance with the needs of pupils in all grades. This program shall include, but shall not be limited to, instruction concerning the misuse of alcohol, tobacco and other drugs. (CR 135.3a)

Health instruction in the elementary school grades emphasizes the development of desirable health behavior, attitudes and knowledge on the part of children in the kindergarten and primary grades. In grades 4, 5, and 6 provision shall be made for planned units of teaching which shall include health instruction. Health education in the elementary school grades shall be taught by the regular classroom teachers.

The secondary school curriculum shall include health education as a constant for all pupils. In addition to continued health guidance

in the junior high school grades provision shall be made for a separate one-half year course. Provision shall also be made for an approved one-half unit course in the senior high school and it will be a requirement for graduation. Health education shall be required for all pupils in the junior and senior high grades and must be provided by a teacher holding a certificate to teach health. A member of each faculty with approved preparation shall be designated as health coordinator. (CR 135.3 as amended March 20, 1978)

5. Examinations

a) Elementary and secondary schools shall administer such examinations as are designated by the Commissioner as necessary for proper supervision or evaluation of educational programs. (CR 102.2)

b) Building principals are responsible for administering Department examinations and maintaining the integrity of examination content and programs, in accordance with directions and procedures established by the Commissioner. (CR 102.3)

c) To receive State aid for secondary school pupils, school districts must make general use of Regents examinations. The use of the Regents examination in ninth grade mathematics, however, shall be optional. Further, local school examinations may be approved in lieu of Regents examinations under exceptional circumstances at the discretion of the Commissioner. (RR 3.35)

d) Regents examinations may be administered only in registered secondary schools. (RR 3.30) Such schools may administer Regents examinations to any eligible pupil at any regularly scheduled examination period, including the summer examination period.

e) No pupil who has studied a subject at an approved school for the minimum period of time prescribed by the Commissioner shall be barred by such school from the Regents examination in that subject. Other persons may be admitted to Regents examinations at the discretion of the principal for purposes of demonstrating academic proficiency through independent, out-of-school, or other study. (RR 8.2)

f) The principal is authorized to cancel the Regents examination of any student found guilty of fraud in the examination, and to exclude such student from future Regents examinations. Before such penalty is applied, however, the student accused of fraud shall be given an opportunity for a hearing, accompanied by parents and attorney, before the Board of Education or designated representative. (CR 102.4)

6. High School Diplomas (CR 103.2, as amended August 21, 1978)

a) Local Diploma. In order to secure a local high school diploma, the following requirements must be met:

1) The satisfactory completion of an approved four-year course of study of a minimum of 16 units or their equivalent as determined by the commissioner in a registered four-year or six-year secondary school, including English, social studies including American history, science, mathematics, health, physical education and such other special requirements as are required by statute and established by the Commissioner of Education.

2) The demonstration of competency in the basic skills by passing the following examinations:

i) Effective June 1, 1979 through May 31, 1981 either the Basic Competency Test in Reading, or the Regents Comprehensive Examination in English, and either the Basic Competency Test in Mathematics, or a Regents examination in mathematics.

ii) Effective June 1, 1980 through May 31, 1981 the examinations set forth in subparagraph i) of this paragraph, and either the Basic Competency Test in Writing Skills, or the Regents Comprehensive Examination in English.

iii) Effective June 1, 1981, either the Regents Competency Test in Reading and the Regents Competency Test in Writing, or the Regents Comprehensive Examination in English, and either the Regents Competency Test in Mathematics, or a Regents examination in mathematics.

b) Regents Diploma. In order to secure a Regents high school diploma, the following requirements must be met:

1) The satisfactory completion of an approved four-year course of study or its equivalent in a registered four-year or six-year secondary school, including English, social studies including American history, science, mathematics, health, physical education and such other special requirements as are required by statute and established by the Commissioner of Education, except that a Regents diploma shall require the satisfactory completion of a total of 18 units in grades 9 through 12.

2) The passing of the Regents examinations in certain specified subjects with certification by the principal to the completion of the remainder of the 18 units, and the demonstration of competency in basic skills in accordance with the provisions of paragraph 2) of subdivision a) of this section.

c) Regents preliminary competency tests in reading and writing shall be administered to pupils in grade 8 or 9, except those pupils

who, in grade 6, obtained scores at or above the 1966 statewide median on the Pupil Evaluation Program tests, or at or above the nationwide median on nationally standardized basic skills tests administered in grade 8 or 9 in the respective basic skill areas. Pupils who score below the designated statewide reference point on one or more of the preliminary competency tests shall be provided the appropriate type of individualized remedial instruction which will enable them to pass the above required Regents competency tests by the time they are otherwise qualified to graduate.

d) High School Equivalency Diploma. Residents of New York State who are at least 19 years of age may be issued a State High School Equivalency Diploma by the Regents if they have achieved a satisfactory score in a special examination administered by the Commissioner for that purpose, or if they have satisfactorily completed at least 24 credits of college study. The minimum age requirement may be reduced to 17 years if the candidate has been out of school for at least one year, or was a member of a high school class that has graduated. (CR 103.3) Boards of Education specified by the Commissioner may award a local high school equivalency diploma based upon experimental programs approved by the Commissioner. (CR 103.4)

7. Handicapped Children

A "handicapped child" is one who, because of mental, physical or emotional reasons, or because of a learning disability, is not benefiting from regular classroom instruction, but who could benefit from special educational programs and related services. All school districts are required to furnish appropriate educational programs for handicapped children who are five years of age by December 1, through their

twenty-first year, unless they have been graduated or are in receipt of a high school diploma from the school district.

Each Board of Education shall appoint and maintain a committee on the handicapped to identify, review and evaluate, at least annually, the status of each handicapped child and each child thought to be handicapped residing in the district. The responsibilities of the committee shall include reviewing all the relevant evaluation material on the child and recommending placement in an appropriate program through the Board of Education. The composition of the committee shall include at least a school psychologist, a teacher or administrator of special education, a school physician, and a parent of a handicapped child residing in the school district. (Ed.L., 4402)

The needs of the individual child shall determine which program placements shall be provided: public school programs, BOCES, state-supported and state-operated schools for the deaf and blind, approved private nonresidential or residential in-state, or residential out-of-state schools, or public agencies other than the State Education Department. (Ed.L., 4401)

A Board of Education has the responsibility to determine for all handicapped children appropriate educational programs and related services which are available to handicapped children at no cost to the parents. The Board of Education has the responsibility to provide such programs by means of home teaching, establishing special classes, or transportation to other schools. The Board is authorized and empowered to contract for the education of handicapped children in special services and programs through another school district, a BOCES or an approved private school in the event an appropriate program is not available within the district.

The Board of Education shall provide for the preparation of an individualized education program for each handicapped pupil. The individualized education program shall be a written statement to meet the unique needs of each handicapped pupil and shall be developed in a planning conference. An individualized education program shall be prepared at the time the child enters a special education program, and shall be reviewed, and if appropriate, revised periodically, but not less than annually. (CR 200.4)

Additional apportionment for local district instructional programs for handicapped students was provided by legislation in 1974 (Chapter 241) for pupils with handicapping conditions (trainable mentally retarded, educable mentally retarded, visually impaired, hearing impaired, physically handicapped, severe speech/language impaired, or emotionally disturbed) in any district and severely handicapped pupils (severely crippled and health impaired, severely handicapped, severely emotionally disturbed, multiple handicapped including severe to profound, and trainable mentally retarded) in the five largest school districts of the state. Legislation enacted during the 1978 legislative session provided funding for learning disabled children. The method for distribution of funding for this category of handicapped children is to be determined. Districts may develop appropriate educational programs through special classes, resource programs, itinerant teachers, or other special services provided by teachers certified in the area of the handicapping condition in which these programs are being offered. Districts must meet program criteria for approval, planning and reporting requirements in order to qualify for the additional state aid (CR 200.6).

8. School Libraries

Each elementary and secondary school is required to establish and maintain a school library. Unless otherwise authorized, every secondary school is required to employ a certified school library media specialist. A full-time assistant certified school library media specialist is required for each 1,000 pupils after the first 1,000. Regular summer schools must keep the school library open during the summer session under the supervision of the certified school library media specialist. (CR 91)

9. Continuing Education

Free continuing education schools shall be provided if 20 or more persons over 16 years of age apply. Such schools shall give instruction in speaking, reading, and writing English and such additional subjects as may be adapted to the needs of the students applying for instruction and shall meet at least twice a week, for two-hour sessions, for 50 sessions a year. (Ed. L., 1712) (CR 161.1) In addition, a board of education may establish day and evening schools for adults as: citizenship schools with instruction for the foreign born, illiterate, and non-English-speaking persons; general schools with instruction in secondary academic and approved vocational subjects; recreation, and leisure time schools for those general activities. (Ed. L. 4605)

10. Licensed Private Schools and Registered Business Schools

The Regents shall license each private school and register each business school that offers occupational preparation in residence or by correspondence. Licenses or registration may be suspended or revoked when the Commissioner of Education concludes that schools are

not complying with the provisions of the law or the Regents Rules and Commissioner's Regulations. Agents representing such schools for solicitation purposes must obtain individual certification issued by the Education Department that assures agents are fully responsible in the place of their principal for the actions, statements, and conduct of their certified agents. (Ed. L. 5001 through 5004)

11. Disaster Planning and Civil Preparedness in Schools

Each school district, annually, must review and update the emergency plans and standard operating procedures of the district for the several types of disasters which may occur to assure that plans and procedures are current with any changed conditions.

Natural disasters can include extreme weather conditions such as snow storms, thunderstorms, hurricanes, tornadoes, and heat and cold waves; as well as floods, earthquakes, tidal waves, and forest fires.

Man-made disasters may take the form of technological failures, accidents involving nuclear or chemical production facilities or the transportation of such materials, fires and explosions, and environmental pollution related or unrelated to the above.

Enemy attack could cause severe damage from blast effect, fire and fallout, and could deliver chemical or biological agents.

Every county and several cities have an office which has the primary responsibility for disaster preparedness and civil defense. This office, by whatever name known locally, is charged with the coordination of survival, recovery, and governmental functions in accordance with a mandated "State of New York Emergency Operations Plan" prepared by the New York State Office of Disaster Preparedness. This local office

should be contacted regarding assistance to the school district in the development and/or refinement of school district planning and to insure that school district plans are consistent and in concert with local community efforts.

To account for the variables of the characters of disasters and the extent of advanced warning, there must be differing plans for the protection and/or orderly dispersal of students. These include a "Go Home" Plan and a "Stay where you are" Plan with variations with regard to licensed fallout shelters, the "safest area(s)" of a school building, and "duck and cover."

In addition to disaster preparedness planning, every school system should be providing instruction which will effectively prepare students to respond to any disaster situation in an intelligent, practical way, and hopefully, to save their lives in the process. Instruction should be at the elementary, junior high school, and senior high school levels; should be an element of regular instructional activity; and should provide basic information and an understanding which can be translated into an appropriate response if and when a disaster strikes. Instruction can be based on any appropriate course area including Strand V of the Health Education curriculum and "Your Chance to Live," a publication of the Defense Civil Preparedness Agency of the Federal government. This publication is on hand in many districts and available, in limited quantity, from the local disaster preparedness office.

12. Fire Drills

Fire drills must be conducted in both public and nonpublic schools where there are more than 25 pupils attending a particular school or where school is conducted in a building two or more stories high.

There must be twelve such drills conducted during each school year eight of which must be held between September 1 and December 1 of each year. Two drills must be conducted in buildings carrying on a summer school program. One of these must be held during the first week of summer school. (Ed. L., 807)

13. Suspension of a Minor

A minor may be suspended from school for a period not exceeding five school days by the district principal or building principal if the power to do so has been delegated by the board of education as the result of the adoption of bylaws.

If a minor is suspended, the minor and the person in parental relation to him can, on request, be given an opportunity for an informal conference with the principal at which time the person in parental relation shall be authorized to ask questions of complaining witnesses. A superintendent of schools may suspend minors for more than five school days but must provide an opportunity for a fair hearing to the pupil and the person in parental relation. (Ed. L., 3214)

14. Language of Instruction

In the teaching of the subjects of instruction other than foreign languages, English shall be the language of instruction, and textbooks used shall be written in English, except that for a period of three years from the date of enrollment in school, pupils who, by reason of foreign birth, ancestry or otherwise, experience difficulty in reading and understanding English, may, at the discretion of the board of education, board of trustees or trustee, be instructed in all subjects in their native language and in English. The period may be

extended by the Commissioner with respect to individual pupils, upon application therefor by the appropriate school authorities, to a period not in excess of six years. (Ed. L., 3204)

15. Released Time - Religious Education

Absence of a pupil from school during school hours for religious education to be had outside the school building and grounds will be excused upon the request in writing signed by the parent or guardian of the pupil. (CR 109.2a)

Such absence for a released time program, grades K-12, shall be for not more than one hour each week at the close of either the morning or afternoon session, or both at a time to be fixed by the local school authorities, provided that the time designated for each separate unit, the primary grades (k-3), intermediate grades (4-6), junior high school grades (7-9), and senior high school grades (10-12) shall be the same for all pupils in that unit in each separate school. Notwithstanding the foregoing, a board of education, in its discretion, may permit pupils in the various units which are departmentalized to be released for not more than one hour a week in groups that may include less than whole units at such times and upon such conditions as such board of education may deem proper; in no event may any pupil be released for more than one hour a week. (CR 109.2e)

A board of education may establish an optional program for high school students in grades 9-12 to permit a student with written approval of parent or guardian to enroll in a course in religion in a registered nonpublic high school. Enrollment in a course of this nature shall be subject to the prior approval by the public high school principal with respect to course schedule, pupil attendance and

reporting of pupil achievement. Absence to attend such a course may be excused for the number of periods per week that the course is scheduled in the nonpublic school provided that the excused absences are at the beginning or close of a public school session and are mutually agreed upon by the school officials. (CR 109.2, as effective September 1, 1978)

B. NONINSTRUCTIONAL PROGRAM

1. Educational Facilities

Each school district shall provide suitable and adequate school buildings and grounds for the instruction and accommodation of the pupils of such district. (RR 14.1) No schoolhouse may be constructed, repaired, enlarged, or remodeled, except in cities having a population of 1,000,000 or more, unless plans and specifications thereof have been approved by the Commissioner. Such approval shall not be given unless plans and specifications provide for heating, ventilation, lighting, sanitation, storm drainage, and health, fire, and accident protection adequate to maintain healthful, safe, and comfortable conditions therein. (Ed. L. 408) Further, actions by school districts and boards of cooperative educational services shall avoid significant negative effect on the environment. (CR 155.5)

Sites for the construction or enlargement of school buildings shall be approved by the Commissioner, provided they have been selected with reasonable consideration of cost, size, location, educational adaptability, conservation of natural resources, and avoidance of environmental problems. (CR 155.1c)

The number, types, space requirements, and pupil capacities of educational facilities shall be in relation to the present and pro-

jected needs of school district programs and shall be consistent with a comprehensive long-range plan of the district pertaining to educational facilities. Facilities shall be planned, designed, and constructed to provide for the health and safety of occupants and shall support an environment conducive to learning. Consideration shall be given to educational efficiency, initial and long-range economy, conservation of natural resources, and practicality. (CR 155.1)

Educational facilities, other than in city school districts of cities having over 125,000 inhabitants, shall comply with specific requirements to insure (1) the health and safety and (2) the accident protection of occupants. (CR 155.3)

No temporary school buildings, other than in city school districts of cities having over 125,000 inhabitants, shall be used without the annual approval of the Commissioner. (CR 155.4)

Buildings containing classroom, dormitory, laboratory, physical education, dining, or recreational facilities for student use of any public or private school shall be inspected at least annually for fire hazards. The inspection shall be conducted prior to December 1 of each school year and a report of the inspection, on a form prescribed by the Commissioner, shall be filed with the Commissioner by December 16. (Ed. L. 807a)

2. Transportation

The Commissioner shall plan and approve each bus route to assure maximum efficiency in the operation of a school bus on such a route. (Ed. L. 3622)

No bus shall be purchased by a school district until it has been approved by the Commissioner. The Commissioner is also required to establish rules and regulations for emergency drills. (Ed. L. 3623)

The Commissioner shall determine and define the qualifications of drivers and shall make rules and regulations governing the operation of all transportation facilities used by pupils at public expense. (Ed. L. 3624)

Transportation shall be provided for all children attending public and nonpublic schools in grades kindergarten through 8 residing more than 2 miles and for all children in grades 2 through 12 residing more than 3 miles from the school they legally attend, up to a distance of 15 miles. (Ed. L. 3635)

Written requests for transportation should be submitted by parents of children attending nonpublic schools by April first or within thirty days after establishing residence in the district. However, late requests shall not be denied where a reasonable explanation is provided for the delay. (Ed. L. 3635)

Transportation is required for handicapped pupils as determined by the needs of the individual child based on the recommendation of the district's Committee on the Handicapped. For such transportation, the two- and three-mile limits do not apply. However, such transportation shall not be in excess of 50 miles from the home of the pupil unless the Commissioner of Education shall certify that no appropriate nonresidential special service or program is available within 50 miles. (Ed. L. Article 89)

In city school districts the statute does not require transportation for any except handicapped children. Boards of education, however, may provide transportation, but if so, it must be provided to all children in like circumstances. An enlarged city school district is required to provide transportation for children residing outside the city limits in accordance with the 2-, 3-, and 15-mile limits explained above. (Ed. L. 2503, 2554, and 3635)

The Commissioner's Regulations set forth the standards for approval of routes and seating capacities, bus purchases, leasing of buses, transportation contracts, annual extensions of transportation contracts and safety regulations for drivers and pupils, which include provision for conducting a minimum of 3 emergency drills on school buses annually. (CR 156)

3. School District Organization

There are in the State several different forms of school district organization, viz:

Common school districts	
(which may not maintain high schools	Ed. L., 1601-19
Union free school districts	Ed. L., 1701-24
Central school districts	Ed. L., 1801-09
Central high school districts	Ed. L., 1901-11
City school districts	Ed. L., 2501-31, 2550-87

The Commissioner is authorized to lay out central school districts consisting of areas outside certain city school districts suitable for the establishment of central schools. (Ed. L., 1801) The Commissioner is also authorized to designate areas contiguous to cities suitable for consolidation with the cities as enlarged city school districts (Ed. L. 1526). A local referendum is required before any such reorganization becomes effective. Any contiguous school district may at an annual or special district meeting vote to consolidate with a city school district having a population of less than 125,000 (Ed. L., 1524)

The joint legislative committee on school district reorganization adopted the Master Plan for School District Reorganization at the conclusion of its study in 1947 (legislative document No. 25, 1947). Chapter 723 of the Laws of 1956, with subsequent changes, including Chapter 745 of the Laws of 1965, requires the Commissioner to keep up

to date the Master Plan, now called the State Plan (Ed. L., 314). The Commissioner is authorized to make studies and surveys necessary to review the recommendations for reorganization. Factors taken into consideration are pupil enrollments, educational needs, transportation conditions, geographic conditions, and property values in relation to the ability to support adequate educational programs.

Where districts initiate consolidation locally, the proposed consolidation must be approved by the Commissioner. (Ed. L., 1511, 1522, 1524)

Boards of cooperative educational services may be established by the Commissioner to carry out a program of shared educational services and to provide instruction in such special subjects as the Commissioner may approve. (Ed. L., 1958)

4. Health Services

a) Medical inspection shall be provided by school authorities for all pupils attending the public schools in the state, except in the city school districts of the cities of New York, Buffalo, and Rochester (where medical inspection is provided by county or city health authorities). (Ed. L., 901) Resident children who attend nonpublic schools shall be provided upon request of the authorities of a school other than public with all or any health and welfare services and facilities made available to children in the public schools. (Ed. L., 912)

Districts must provide by contract for health and welfare services to resident pupils attending nonpublic schools located in other school districts when requested.

All city school districts contained within a city must provide a one-time test for sickle cell anemia. In all other districts the school physician shall determine the need for such test. (Ed. L., 903 and 904)

b) All schools except in the city school districts of the cities of New York, Buffalo, and Rochester shall provide a program of health services, including health examinations for entering students and those entering the first, third, and seventh, and 10th grades with appropriate follow-up, annual vision screening, periodic hearing screening, scoliosis screening, maintenance of cumulative health records, guidance in preventive and corrective measures, yearly examinations for interscholastic sports, examinations for employment certificates, etc. (CR 136)

No child shall be admitted to any school district unless they meet the requirements of the immunization law. (PH 2164)

5. Registration of Secondary Schools

Secondary schools may upon proper application and after official inspection be registered, or admitted to the University, by a vote of the Regents. (RR 3.30) The curriculum requirements for registration of public high schools are set forth in the Commissioner's Regulations. (CR 100.1)

In order to be recommended for registration, a public secondary school must have an enrollment of a least 700 pupils in grades 7 to 12, unless the Commissioner is satisfied that because of density of population or other factors the registration of a secondary school with a smaller enrollment is essential to properly serve the educational welfare of the children concerned. (CR 101.2g)

6. Required Compensatory Programs

Chapter 241 of the Laws of 1974 provides additional apportionment of state aid for compensatory reading and mathematics programs for pupils with special educational needs (PSEN). The requirements are embodied in Part 149 of the Commissioner's Regulations. School districts are

expected to provide the programs with the earmarked portion of State aid. Failure to comply results in the loss of that aid.

APPENDIX A

Equivalency for Nonpublic Schools

To aid and assist local public school authorities in determining the equivalency of instruction in the nonpublic school sector within the boundary of a public school district, the following guidelines are offered:

I Definitions

The terms "equivalent" and "substantially equivalent" as contained in the Education Law, the Regents Rules and the Regulations of the Commissioner of Education signify equal in substance but not necessarily the same in form. In the Regulations of the Commissioner the term "equivalent" is synonymous with the terms "acceptable, adequate, approved, suitable, sufficient" and means as such in the judgment of the Commissioner. In keeping with the above, the school authority as representing the Commissioner is allowed a latitude of interpretation in judging equivalency.

II Program

A-Elementary Schools

Section 3204 of the Education Law and Section 100.1e of the Regulations of the Commissioner set forth the required subjects to be taught in all of the first eight grades of all of the schools in the state (Rf Minimum Standards). It is reasonable to expect that by the end of the eighth grade all nonpublic schools in the state shall cover all subject areas as do the public elementary schools. In addition to the basic subjects indicated above, all schools of the state shall include in their curriculum certain special subjects such as patriotism, citizenship, etc. as indicated in Sections 801 to 810 of the Education Law. "If such courses are not so established and maintained in a private school attendance upon such instruction shall not be deemed substantially equivalent to the instruction----in

the public schools of the city or district in which the pupil resides." (Ed. L., Sect. 801 Par. 1)

B-Secondary Schools

All secondary schools shall have an approved course of study as contained in Section 100.1 of the Regulations of the Commissioner. In addition to these requirements all schools shall teach those areas described in Sections 801-810 of the Education Law as mentioned in the above section on Elementary Education.

III Buildings and Equipment

A-Elementary

Every elementary nonpublic school should be housed in a building adequate to carry on an elementary school program. The building should be safe and should be provided with adequate sanitary facilities and equipment. Every school should have sufficient equipment and supplies to carry on the program in each of the subject areas.

B-Secondary Schools

Every secondary nonpublic school should be housed in a building adequate to carry on a secondary school program. The building should include classrooms, science rooms, library, physical education facilities and other special rooms. The library must have an adequate collection of books, periodicals and reference materials that are appropriate for secondary school pupils. The library should be under the supervision of a qualified school librarian. Each school should have adequate supplies and equipment to carry on a secondary program in each of the subject areas.

The building should be safe and should be provided with adequate sanitary facilities and equipment.

IV Staff

Every elementary and secondary nonpublic school should provide a qualified administrative, supervisory and teaching staff to carry on an elementary or secondary school program. Pupil-teacher ratio should be at a level that will permit an adequate educational program. Teachers should have background training which would enable them to teach on the elementary or secondary level.

V School Year

The school year of an elementary or secondary nonpublic school should be of sufficient length to adequately and successfully cover the total curriculum (program) of the school. The school year should be comparable in length to that of the public school.

VI Attendance

Every elementary and secondary nonpublic school must enforce the compulsory attendance law as it refers to its student body. Cooperation with the public school in the district in which the nonpublic school is located should be sought in this area of law enforcement.

State Education Department's Role in Determining Equivalency

On request of either the public or nonpublic school officials, the Department is prepared to assist in any equivalency appraisal. Such requests should be directed to the Division of School Supervision which works in close cooperation with the Bureau of Nonpublic School Services.

APPENDIX B

Selected References

Apportionment	Ed. L., 2604
Competency Tests	CR 103.2
Corporal Punishment	Penal L. 35.10
Curricula	Ed. L., 3604, RR 28, CR 100
Diplomas	CR 103.2
Dismissal of Probationary Teachers	Ed. L., 3031
Employment of Minors	Labor Law 171b1
Evening Schools	CR 166
Exemption from Attendance	CR 101.2
Fire Inspection	Ed. L., 807
Length of School Day	CR 175.5
Middle School	CR 80.2
Nonresident Academic Pupils	Ed. L., 2045, Comm. Decisions 8100 & 7878
Part-Time Schools	Ed. L., 4601
Payment for Damaged School Property	Sect. 757 Family Court Act Laws of 1970 Sect. 993
Powers and Duties of Board of Education	Ed. L., 1709
Pupil Dress	Comm. Decisions #8130, 3035, 3211
Religious Observance	CR 109.2
School Size	CR 101.2g
Census	Ed. L., 3243
Calendar	Ed. L., 3604
Shop-Lab Safety Glasses	Ed. L., 409a
Summer Schools	CR 110
Teacher Aides	CR 80.33
Teacher Assistant	CR 80.33

Teacher Certification	Ed. L., 3009 - 3010
Teacher Tenure	Ed. L., 3013
Temporary School Quarters	CR 167, 168
Transportation	Ed. L., 3621, 3635

References in Education Law - Nonpublic Schools

Apportionment	Sec. 3601
Compulsory Attendance	Art. 12, Title I; 3210 (2)
Curriculum	Sec. 801, 803 (4), 804 (4), 806, 808, 3204
Health & Welfare	912
Records & Reports	3211, 3222
Safety	409a, 807, 807a, 807c
Special Education	4404
Textbooks	701
Transportation	1907, 3635
Vocational Education	290